

Application Serial No. 10/686,378
Group Art Unit 3683

HK Ref. 091781.6

REMARKS

Claims 1-9 are pending in this application. Claims 10-16 have been withdrawn in response to a request for restriction or election.

Claims 1-9 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner has asserted there is no clear antecedent bases for "the external surface of the spindle" in claim 1, lines 4-5, and "the lower end of the spindle," lines 5-6. Claim 1 has been amended to provide the antecedent bases for the recited elements.

Claims 1-6 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable on grounds of obviousness in view of Jeon et al. (Publication US 2002/0109052 A1) in view of secondary references Obara et al. (Patent 5,560,717), Kincel (Patent 4,219,916) or Vivian (Patent 3,682,431) or Goodrich, Jr. et al. (Patent 4,097,057). The Examiner asserts that the principal reference Jeon et al. "discloses the invention substantially as claimed except for the feature that the guide sleeve is fixedly connected to the spindle by adhesive or glue."

Applicants respectfully traverse this rejection on the basis that pursuant to 35 U.S.C. § 103(c), the subject matter of Jeon et al. and of the invention claimed herein were, at the time the invention was made, owned by the same entity, or subject to an obligation of assignment to the same entity. See, M.P.E.P. § 706.02(l)(1). Both of these applications are assigned to the same company, Samhongs Co., Ltd. of Seoul, Republic of Korea. Accompanying this response are

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cover copies downloaded from the U.S. Patent and Trademark Office Web site showing the assignment of the Assignors in both said applications to Samhongs Co., Ltd. Accordingly, pursuant to § 103(c), the principal reference Jeon et al. is now disqualified as prior art against the claimed invention.

There being no other primary reference to support the rejection under § 103(a), it is submitted that no valid § 103 reference stands as a bases for a § 103(a) rejection against claims 1-6 and 9.

Claims 7 and 8 were rejected likewise under § 103(a) relying on the principal reference of Jeon et al. For the reasons set forth with respect to claims 1-6 and 9, Jeon et al. is no longer a qualified prior art reference. There being no other underlying reference, it would appear that claims 7 and 8 are likewise patentable.

In addition to the amendments to claim 1 to provide antecedent bases as stated in the Remarks, Applicants have amended the word "moving" in lines 3 and 6 to substitute the more grammatically correct word "movable." It is submitted that no new matter or change in substance to the claim is made by this amendment.

With regard to Applicants' election to prosecution claims 1-9 and the restriction notice pursuant to which claims 10-16 remain subject to restriction or election, noting that claim 1 is now deemed allowable, it is submitted that claim 1 is a generic claim as to the two species 1-9 and 10-16. The technical solution of the adhesive layer formed between the guide sleeve and the spindle is a feature common to both species. Claim 1, accordingly, covers both Species A and Species B.

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Although all of the limitations of claims 10-16 are not disclosed in claim 1, claim 1 is generic as indicated by the Examiner in the first Office action, and Applicants seek consideration of claims 10-16 as provided by 37 C.F.R. § 1.141. If the Examiner indicates that generic claim 1 is allowable, Applicants will seek, either by Examiner's amendment or further supplemental amendment, appropriate changes to claims 10-16 should the Examiner consider that antecedent bases are lacking in claims 10-16.

Accordingly, Applicants submit that all claims presently before the Examiner for consideration are in condition for allowance and, upon allowance of generic claim 1, further consideration of non-elected species covered by claims 10-16 should now be given attention and action.

Respectfully submitted,

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